

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

IN RE: )  
CURTIS WILLIAM SCOTT and )  
SHELLY D. SCOTT, )  
DEBTORS. ) CASE NO.: 12-00329-JKC

**MOTION TO AVOID JUDICIAL LIEN OF YELLOW BOOK SALES AND DISTRIBUTION CO., INC.**

Debtor, by counsel, moves the Court pursuant to 506 and 522(f)(1)(A) of the Bankruptcy Code to avoid the lien on the following described property:

**Legal Description:**

Lot Numbered 172 in Speedway Woods, Section Four, a Subdivision in Marion County, Indiana, as per plat thereof recorded August 17, 1995 as Instrument No. 95-101565, in the Office of the Recorder of Marion County, Indiana.

Commonly Known As:

**719 Pioneer Woods Drive, Indianapolis, County of Marion, State of Indiana 46224**

In support of said Motion, Debtors state:

1. Debtors filed a bankruptcy case on January 16, 2012 under Chapter 7 of the U.S. Bankruptcy Code.
2. This Court has jurisdiction over the motion filed pursuant to 11 USC Sec 506 to avoid and cancel a wholly unsecured judicial lien held by Yellow Book Sales and Distribution Co., Inc. (Creditor) on the above described real estate.
3. On or about December 20, 2011, Creditor obtained a judgment lien on debtor's residence located at **719 Pioneer Woods Drive, Indianapolis, IN 46224, County of Marion, State of Indiana** and has a balance in the amount of \$17,688.964 and costs.
  - a. Said judgement lien was obtained under cause # **49D02-1103-CC-008094** in the Marion County Circuit Court.
  - b. The realty is subject to a mortgage in the amount of \$122,580.87 held by Bank of America,, and a judicial lien held by Capital One Bank USA, N.A. in the amount of \$3,200.30 and costs entered in April 2011, under case #**49K09-1102-SC-000999**.
  - c. The lien impairs debtor's exemption under I.C. Sec. 34-55-10-2(b)(5).
  - d. The real property has a fair market value of \$139,900.00.

4. The existence of the lien on debtor's real property impairs exemptions to which the debtor would be entitled to under 11 U.S.C. Sec. 522(b).

Wherefore, the debtor moves the Court to order the lien void and such other relief as may be entitled.

Date: September 9, 2013

/s/ Steven P Taylor  
Steven P Taylor (18913-49)  
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**NOTICE**

PLEASE TAKE NOTICE THAT parties in interest shall have **twenty-one (21) days from the date this Notice is served** to file an objection to the attached Motion to Avoid Judicial Lien re: Yellow Book Sales and Distribution Co., Inc., filed herein on behalf of the debtor. Objections must be filed in writing in accordance with Local Rule S.D. Ind. B-9013-1 with the Clerk's Office and served on the attorney for the debtor at the addresses listed below. If no objection is timely filed, an order may be entered by the Court for the relief requested.

**United States Bankruptcy Court  
Southern District of Indiana  
116 US Courthouse  
46 East Ohio Street  
Indianapolis, IN 46204**

**CERTIFICATE OF SERVICE**

I hereby certify that on September 9, 2013, a copy of the foregoing Motion to Avoid Judicial Lien of Yellow Book Sales and Distribution Co., Inc., was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System.

Chapter 13 Trustee  
U.S Trustee

I further certify that on September 9, 2013, a copy of the foregoing Motion to Avoid Judicial Lien of Yellow Book Sales and Distribution Co., Inc., was mailed by first-class U.S. Mail, postage prepaid and properly addressed, to the following:

Andrew W. Huber, Esq.  
Frederick Pfenninger, Esq.  
9247 N. Meridian Street, Ste. 219  
Indianapolis, IN 46260

Highest Ranking Officer  
Bank of America  
P.O. Box 5170  
Smith Valley, CA93062-5170

Highest Ranking Officer  
Yellow Book Sales and Distribution Co., Inc  
398 Rxx Plaza  
Uniondale, NY 11556  
(Certified Mail)

Brian Moynihan, CEO  
Bank of America  
100 N. Tryon Street  
Charlotte, NC 28255  
(Certified Mail)

CT Corporation System  
Registered Agent For  
Yellow Book Sales  
And Distribution Co., Inc.  
150 W. Market St., Ste. 800  
Indianapolis, IN 46204  
(Certified Mail)

Richard Fairbank, CEO  
Capital One Financial Corp.  
1680 Capital One Drive  
McLean, VA 22102  
(Certified Mail)

Date: September 9, 2013

/s/Steven P. Taylor

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